



Centro de Estudios Legales y Sociales

Rodríguez Peña 286 - 1er. piso - 1020 Buenos Aires - República Argentina - T.E. 40 - 9968

JAA

F.L.

11/4/82 R

(CWφ21)

November 4, 1982

The following bulletin is intended to serve as an "update" on human rights in Argentina covering the months of September and October, 1982. In an effort to provide those in North America and Europe who are working on Argentina with information which may not be readily available outside of the country, a similar report will be issued bi-monthly during the course of the next year.

HUMAN RIGHTS BULLETIN: SEPTEMBER - OCTOBER, 1982

Contents

- Introduction
- I. The Disappeared
 - Dupont
 - Holmberg and Solá
 - The "N.N." Tombs
 - Disappeared Reappearing?
 - Government Statements
- II. Political Prisoners
 - Figures
 - Caseros
 - Rawson
 - Judicial Process
- III. Temporary Disappearances
- IV. Arbitrary Arrest
- V. Torture
- VI. Freedom of Expression
 - Intimidation
- VII. Harassment of Human Rights Groups
- VIII. Negotiations and Military Control of "Institutionalization"
- IX. "Memoria y Juicio"

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(☒) Release (☐) Excise (☐) Deny

Exemption(s): _____

Declassify: (☐) In Part (☐) In Full

(☐) Classify as ____ (☐) Extend as ____ (☐) Downgrade to ____

Date _____ Declassify on _____ Reason _____

8F123

178/293



Centro de Estudios Legales y Sociales

Rodríguez Peña 286 - 1er. piso - 1020 Buenos Aires - República Argentina - T.E. 40 - 9966

HUMAN RIGHTS BULLETIN: SEPTEMBER - OCTOBER, 1982

Five months after military defeat in the Malvinas, Argentina's military government has committed itself to a return to civilian rule by March, 1984, and has permitted the reactivation of most political parties. However, in the context of increasing public pressure for investigations into the Malvinas war, the economic crisis, and, above all, the fate of the "disappeared", the government is attempting to reign in the process of redemocratization (referred to as an "institutionalization" by the authorities). It is seeking a "concertación" or a deal with the political parties, and is attempting to bar the subject of investigations into human rights violations from public discussion.

On September 24, only three days after its reformation, the military junta made its attitude clear on the issue of investigations into the "war against subversion."

"Given the evidence of a growing campaign carried out by certain persons and groups, disseminated by certain communication media, against the actions of the Armed Forces, the security and the police forces in their struggle against delinquent terrorists, the military junta communicates:

"1. That all of the operations initiated against terrorist bands were executed in conformation with plans approved and supervised by the organic authorities of the Armed Forces in full exercise of their constitutional responsibility.

"2. That, consequently, this military junta will take all legal measures that correspond to the protection of the military, security and police institutions against false declarations, intended to promote disintegration, slander, and/or other biased public declarations.

"3. That Law 20.840, in reference to subversive activities, is maintained in full operation."

Since this declaration was made Commander in Chief of the Navy, Jorge Isaac Anaya was replaced by Admiral Rubén Franco, who joined Brigadier Augusto Hughes and General Cristino Nicolaidis as junta members. At his swearing in on October 1, newest members position on human rights investigations, the following statement, Franco clearly expressed his agreement with this position:

=====

1. Law 20.840, sanctioned by Congress in September, 1974 dictates the punishment of subversive activities in all its forms." Article 1 establishes imprisonment of three to five years for those who "intend by any means to alter or suppress the institutional

"Let it be clear that we will not permit anyone, no matter what the pretext, to accuse us in the name of the same human rights that we fervently defended, and even less (will we) accept the attacks by the same sinister people of terrorism newly disguised behind a mask of sly and cagey innocence."

But the government offensive has not been limited to official declarations; it has been reinforced at two other levels. The first is that of official censorship and prohibition of events. State-owned radio and television stations were barred from mentioning the subject of the disappeared, for instance, and the magazine, La Semana was shut down. A series of human rights events were also prohibited by the government.

The second level is that of intimidation and violence. On September 29, Marcelo Dupont disappeared and was found dead nine days later. Journalists and human rights groups have been subjected to a series of intimidatory actions; and in three instances, persons were "temporarily disappeared."

THE DISAPPEARED

As is known, there are over 6,000 cases of people who have disappeared since the military coup of March, 1976 that have been registered with the Ministry of the Interior. The total number of disappeared persons is estimated by church sources to be closer to 30,000. At this point, the government has answered the requests for information in approximately 1,000 of these cases, usually declaring that the person was found dead, was in the custody of the state, or was outside the country. Approximately 4,000 cases were presented to the courts, not one of which has been resolved.

Dupont

On September 30, one more person was added to that list. Marcelo Dupont, 46 years old and the father of four children, left the house of a friend at 6 p.m. and was not seen again until October 7 when he was found dead on a sidewalk in a wealthy residential district of Buenos Aires. According to the friend who saw him last, Dupont mentioned that he thought he had seen a white Ford Falcon following him.

The victim was the brother of Gregorio Dupont, a key witness in the recently reopened investigation into the disappearance of diplomat Helena Holmberg in 1978. Gregorio Dupont insists that the disappearance and murder of his brother is related to that testimony, in which he revealed that she had told him shortly before her disappearance that she had evidence that former Navy commander, retired Admiral Emilio Massera, had paid a leader of the Argentine guerrilla group, the Montoneros, over one million dollars. Members of the Holmberg family have stated that they believe Helena was killed because she "knew too much."

1.(cont.) order and the social peace of the nation, by avenues not established by the national constitution and the legal bodies which organize the political, social and economic life of the nation." Section b) of Article 3) established imprisonment of three to five years for "Owners or Editors of any sort of publication, directors and broadcasters of radio and television stations, or those responsible for any communication media that informs or propagates events, images, or communications of the sort mentioned in Article 1."

President Reynaldo Bignone and the Interior Minister, Llamil Reston, have declared that the murder of Dupont will be cleared up by the justice system in which they have great faith. The head of the Federal Police, Juan Bautista Sasiaín, has said that he does not believe the crime was of "political origins". According to the victim's brother, Gregorio, as he was leaving the morgue on October 8, police officials told him they believed that Marcelo Dupont's death was a case of suicide and not murder.

Public outcry following the discovery of the body was considerable. Politicians, church leaders and human rights groups have demanded that those responsible for the crime be identified and punished. One newspaper editorial interpreted the incident as a warning to those who have been involved with the current government to keep silent. And the Archbishop of Santa Fe, Monseñor Vicente Zazpe, declared that disappearances "are not a novelty in Argentina," and insisted that this "permanent and significant impunity must not be tolerated."

The court investigation into the murder, after almost a month of activity and daily newspaper articles on the case, has turned up little. A series of clues, (including the discovery of a bag supposedly containing clothes and documents belonging to Dupont in Colonia, Uruguay, and the testimony of a Brazilian bus driver that he had driven Dupont from Porto Alegre to Uruguay on October 5) sent Judge Eduardo Gerome off on an investigative trip to Brazil and Uruguay. On October 25, however, it was revealed that according to doctors conducting the autopsy, Dupont had been tortured with electric shock at least twenty four hours before being killed. This, together with the fact that Dupont had been barred from leaving the country as a result of a court order having to do with his bankrupt advertising business, led his widow to declare that she did not believe that her husband had traveled to Brazil and Uruguay during the period of his disappearance.

Holmberg and Solá

Even before this latest disappearance, the subject of the disappeared had gained more press attention than any time in the last six years as a result of accusations by former Treasury Minister Juan Alemann that former Navy Commander, Emilio Massera was responsible, among other things, for the disappearances and murders of two Argentine diplomats, Helena Holmberg and Hector Hidalgo Solá. Alemann asserted that killing terrorists was fine, but that the murder of two diplomats was not and should be properly investigated.

Holmberg, who had been working in Paris with a group of Navy Intelligence members, disappeared at the end of 1978 in Buenos Aires and was found dead a few weeks later. According to her family, the government has never allowed a proper investigation and with press attention focused on the case, they managed to have the case reopened on September 23. One of the key witnesses was Gregorio Dupont, who testified that Holmberg has told him shortly before her disappearance that she knew Massera had paid Montonero leader, Mario Eduardo Firmenich, over one million dollars.

A court investigation into the July, 1977 disappearance of Argentine ambassador to Venezuela, Héctor Hidalgo Solá, was also reopened as a result of press attention. Family members declared they believed the crime was related to the Italian masonic lodge, Propaganda-Two, the leader of which had just been arrested in Switzerland. It was also alleged that the new ambassador to Venezuela, Federico Bartfeld, was an important Argentine member of the organization. The Solá case was reopened on October 1.

Meanwhile, the attention on these two cases spread to others that were considered similar. Among those which have gained attention are those of journalist Rodolfo Fernández Pomaal, Capt. Horacio Francisco Gándara, and Fernando Branca.

The Mothers of the Plaza de Mayo, in response to this selective attention that was being given to cases of disappeared, issued a statement in reference to Alemann's assertion that "killing terrorists was fine." They declared that violation of human rights occurs independently of social status, and that "it should be enough to awaken the ethical consciousness of the society that this is committed against any person... If he (Alemann) wanted to give names he should have added those of Alice Domón and Leonie Duquet, two French nuns, or the Swedish adolescent, Dagmar Hagelin, the writers, Haroldo Conti, Rodolfo Walsh, Fernandez Pomaal, the journalist Edgardo Sajón, or the worker, Oscar Smith."

The "N.N." Tombs

Public attention was further focused on the issue of the disappeared when on October 22, six human rights leaders filed suit in the criminal court of San Martín, demanding that some 400 cadavers, buried in the cemetery Grand Bourg, in a section marked "N.N.", be identified. The unmarked gravesites came to the attention of human rights groups when it was learned that labor leader, Miguel Angel Sosa who had disappeared on May 25, 1976, was buried there.

Sosa's body was reportedly found on a river bank the day after he was kidnapped, although it was not until February, 1981 that the relatives of the victim were informed, and told that he was buried in Grand Bourg. The family obtained a court order to have the body exhumed, and in that process discovered that in the same grave in which Sosa was buried, there were also three other bodies.

Neighbors, interviewed by human rights leaders visiting the site, testified that military vehicles, perhaps belonging to the nearby military installation, Campo de Mayo, used to bring corpses at night and bury them. Based on the fact that there are 88 tombs marked "N.N.", it is estimated that there may be some 400 unidentified bodies buried in Grand Bourg.

On October 27, Judge Hugo Gándara, who had in his custody the cemetery's register, declared his criminal court incompetent in this matter and passed the case to the federal justice system. The state attorney has appealed the decision, however, and the case now goes to the Court of Appeals where it will surely be stalled for some time.

On October 28 and 29, two other cases were presented to local courts by relatives of disappeared persons and human rights lawyers. The first concerned the existence of some 300 grave sites in the cemetery of La Plata marked "N.N.", and the second was in regard to an undetermined number of "N.N." tombs in the cemetery of Loma de Zamora. In both cases, it has been demanded that the bodies not be removed from these grave sites until they are publicly identified.

The existence of these "N.N." tombs was verified in the Inter-American Commission on Human Rights' report on Argentina in 1979. The report also said that during the years from 1976 - 1979, large numbers of bodies were buried under the title "N.N.", and that the majority of them pertained to persons between twenty and thirty years of age.

Disappeared Reappearing?

On October 10, the Relatives of Disappeared and Detained Persons issued a statement to the Argentine Episcopal Conference, in which they assert that several persons who were "disappeared," reappeared during the month of October. The letter said that these people, who are in a "deplorable physical and psychological state", are being heavily protected by their families, and are therefore unable to allow their names to be used.

On September 29, an interview was published in La Última Hora of La Paz, Bolivia, with Miguel Angel Ferrufino, a Bolivian who was reportedly "disappeared" in Argentina between 1974 and August, 1981, when he was turned over to the Bolivian police. Having only just been released from prison a few days before the interview, a Methodist priest was apparently in contact with the boy and convinced him to talk to the press.

Ferrufino was sixteen years old and studying under a scholarship in Córdoba when he disappeared. He and several other Bolivian students lived for seven years in a concentration camp he says was on "Isla San Martín" at the mouth of the Beagle Channel. Persons who know the area believe that he may have been mistaken, and that from the description of the environmental conditions he could have been on a peninsula on the Rio Turbio.

According to Ferrufino, there were 1,038 prisoners with him at the beginning, but by the time he left there remained only 227 alive. He describes the daily life on the camp, which included working all day in carbon mines. He says many people died from the violent winds which sometimes carried people off and smashed them against the rocks, from the cruel punishments guards would impose on them, and from disease and malnutrition.

Government Statements

The disappearance of Marcelo Dupont, the reopening of the Holmberg and Solá cases, the the "N.N." tombs, and the growing public support for the demands of the Mothers of the Plaza de Mayo, manifested in a "March for Life" of some 10,000 people, has placed considerable pressure on the military government. As one of the most serious problems it faces, the response seems to be two-fold. At one level, the issue of investigations into the fate of the disappeared will be negotiated with the political parties, using such issues as the electoral law as bargaining chips. At a second level, some sort of response must be given to the thousands of families who have demanded information on the whereabouts of their children.

On October 19, a government spokesperson said that a "philosophical explanation" of the problem of the disappeared would be provided. A study has been initiated, according to the official, of the "relationship between requests for information made to the Ministry of the Interior and the presentation of writs of habeas corpus... made before the justice system. Once these relations are established, those who have requested information will be answered."

With regard to a statement made by the Minister of the Interior, Llamil Reston, on September 27, in which he said the government did not know where the disappeared were, the official told reporters "the problem does not have only one solution.... one has to take into account that requests vary according to the case, from those, like the church, that ask only for responses, and those that want explanations and punishment of those responsible." He rejected the latter course, and said that "the response will be given in philosophical terms and will coincide with the position taken by the church."

While the local press described the source as "an official spokesperson," shortly following the release of the information, Interior Minister Llamil Reston, who was on a tour of Córdoba at the time, declared he did not know who the spokesperson was, and said that his office was the only official source of information on this matter.

POLITICAL PRISONERS

"In this country there are no political prisoners; what exists are subversive prisoners." Jaime Lucas Bennon, Minister of Justice, September 24, 1982.

According to the Relatives of Disappeared and Detained Persons (Familiares de desaparecidos-detenido por razones políticas), as of the 1st of November, figures on political prisoners were as follows,

Prison ²	Prisoners	PEN	Released in September: ³
U1 Caseros	closed on September 3, 1982.		"Libertad Vigilada"- 27
U2 Devoto	115	30	"Libertad Condicional"- 4
U6 Rawson	245	110	"Condena Cumplida"- 5
U9 La Plata	371	143	
Paraná	11	---	Released in October:
Córdoba	9	---	"Libertad Vigilada"- 40
Mendoza	7	---	"Libertad Condicional"- 2
TOTAL	758	283	"Condena Cumplida"- 2
			TOTAL 81

Illnesses Among Prisoners :

Serious psychological illnesses -- 13
 Chronic infections (chagas, tuberculosis, etc.) -- 4
 Severe hormonal imbalance (as a result of treatments received in prison) -- 3
 Cancer -- 2
 Serious gynecological disorders -- 2
 Bone disease -- 2
 Heart disease -- 1
 Severe eye wound -- 1
 Gastro-intestinal disease -- several

2. Caseros, Devoto and Rawson are Federal prisons, administered by the Federal Security personnel. The other four prisons are provincial, and administered by the provincial police. La Plata, however, is currently under federal regulations in that section of the prison occupied by political prisoners.

3. "Libertad Vigilada" is given to most prisoners who have been at the disposition of PEN. In this condition, the prison is allowed to return to his home but is subject to a series of restrictions. He/she must report to the local police station

Caseros

On September 3rd, Unidad 1 de Caseros was closed and its inmates sent to Rawson and La Plata. For some time a campaign had been underway on the part of human rights groups and relatives of the political prisoners to force the government to shut down both Rawson and Caseros.

Caseros was originally intended to be put into use after the coup as a temporary transfer ground for political prisoners awaiting trial. In practice, however, the building became a regular penitentiary and many prisoners spent years there. The building itself was a cement block; it had no natural sunlight and even in the "recreational patio" there was neither ventilation nor sunlight.

Prisoners used to spend 23 hours a day in a small individual cell where they had to stand at attention by the bars or sit silently on a bench by the door throughout the day. To be caught talking or sitting on their bed, for instance, would bring severe punishments. Every three meters or so, there was a loud speaker that emitted music at such a high volume that one recently released prisoner commented "if all of the inmates were to scream at once you couldn't hear them over the music. When the guards dragged their billy clubs against the bars sometimes you couldn't hear it. Even the guards used to complain."

Following the suicide of one inmate, Jorge Toledo, on June 29 of this year public attention focused on this prison, forcing the administration to make a gesture of reform. Recreational hours were increased to three hours in the morning and three hours in the afternoon, although some prisoners were so accustomed to the isolation of their cells that they would become disturbed by the sound of so many voices, and prefer to stay in their cells.

Rawson

While the treatment of prisoners varies somewhat between prisons, what distinguishes Unidad 6 de Rawson is its location some 1,700 kilometres south of Buenos Aires where, not only is it extremely cold and windy, but it is difficult for the relatives of prisoners to visit.

As in the case of the other prisons under federal control, families are allowed to visit for six consecutive days every forty five days. But as the costs of the trip are so high (four million pesos or \$100 U.S. dollars round trip from Buenos Aires) even if they can afford the time for financial reasons it is often impossible. An average worker's salary per month comes to approximately half of the cost of the trip to Rawson.

=====

3.(cont.) two or more times a week. He/she must remain within a certain zone defined by the police (for instance, those living in Buenos Aires may not leave the city limits). The prisoner is interviewed periodically by security personnel. Attendance of public meetings is prohibited, as is talking to members of the press about their experiences in jail. Violation of these restrictions carries with it two to eight years imprisonment. In addition, many persons with "Libertad Vigilada" report they are followed often, for twenty four hours at a time, by members of the security forces.

Of those prisoners who were tried and condemned by either military or civilian courts, release is obtained either with "Condena Cumplida", having served the entire sentence, or with "Libertad Condicional", which legally may be obtained after two thirds of a sentence has been served. The latter is equivalent to parole in the U.S.

At the end of September a letter was sent by a group of mothers of political prisoners in Rawson to the National Director of the Federal Penetenciary System, retired Coronel Juan Luis Coelho, in which they listed the following complaints:

- "1. Between the 3rd and the 23rd of Sept., six political prisoners were sanctioned and sent to "special dungeons" for fifteen to twenty days without justifiable reason. To laugh or smile during line-up was one of the accusations against them.
2. The punishment procedure employed did not only mean isolation, but malnutrition from scarcity of food and physical torture from the absence of mattresses and blankets despite the extreme cold.
3. During recreation on September 22nd, the inmates were surprised by the transmission of a conversation between a mother and her son, apparently recorded in the locutory (where they are separated by a glass wall and talk through a metal pipe). The obvious intention was to frighten and humiliate the political prisoners.
4. Twice a week there is a "review" of the cells and its contents, which consists of scattering clothes, papers, and other personal belongings, reviewing correspondence and destroying the minimum of order that can be maintained in this atmosphere.
5. The continual presence of a guard inside each ward constitutes a continual psychological pressure, not only because of their presence, but because each guard occupies himself by asking prisoners questions that they know have just been asked, and by making provocative comments.
6. It is common that after certain visits, recreation is suspended "for security reasons".

Relatives of political prisoners are demanding that all of the political prisoners be released immediately. However, they say that in the meantime the following reforms are critical:

1. The transference of all prisoners to provincial jails near their areas of residence, where not only are the visiting rules less restrictive, but families could afford to visit regularly.
2. The demilitarization of the Federal Penitentiary System.
3. The immediate closure of Unidad 6 de Rawson.
4. Respect for the Right of Option (Article 23 of the Constitution)

Judicial Process

Currently, the political prisoners whose prospects of release appear most dim are those who have been condemned by military and civilian courts. Not only has the Minister of Interior pledged the government to releasing all prisoners under PEN within eighteen months, but at the point in which the State of Siege is lifted, only the PEN prisoners will be freed; the rest (474 people) must have their cases dealt with individually by the court system.

=====

4. 96 political prisoners at the disposition of PEN have been released since the end of the Malvinas crisis. The Ministry of the Interior has announced that 70 will be released in November. The courts have also ordered the release of approximately 15 persons under PEN in recent months.

There have been very few cases in which the Supreme Court has overturned a military tribunal's decision. The case of Jacobo Timerman is the most well known of these. Human rights lawyers had hoped that the number of such cases would increase as the political situation began to open. However, in the first case to be decided of this nature since the Malvinas crisis, the Supreme Court rejected an appeal of a military tribunal's condemnation of Jorge Segundo Uñates.

Uñates, who was sentenced to ten years by a military tribunal in June of 1977, had at the time of his trial neither access to a lawyer, nor advice from outside of the prison. His family was not informed of the proceedings until much later, and an appeal at the time was impossible. Nevertheless, the grounds on which the case was rejected were that too much time had elapsed between the military decision and the appeal. The Supreme Court indicated the appeal should have occurred within ten days of the trial in order to have effect.

CELS lawyers, who handle some 90% of the bases concerning political prisoners, have over 180 cases of this sort pending. The worry is, of course, that similar decisions will be made in the rest of the cases.

TEMPORARY DISAPPEARANCES

The apparatus for kidnapping people, beating torturing and interrogating them and then letting them go free continues to operate with total impunity. In the last week of October there were three such incidents:

- On October 25, Carlos Monteros, a meat factory worker, reported he had been kidnapped for 48 hours on the 14 of October. He was grabbed by two men, who blindfolded him with a hood and threw him into a Ford Falcon. He was beaten and tortured with electric shock as they questioned him about his union activities. He had been working with a group of workers to have the union "normalized", or returned to the worker
- On October 27, Dolores Lezcano of the factory, Textil Oeste, reported having been kidnapped and tortured on account of her union activity. She had been active in protesting the military terms of the "normalization" or her union, which favored the CGT-Azopardo over the CGT-Brasil.
- On October 30, eighteen year old Sergio Puebla was kidnapped. He also reported being hooded, thrown into a Ford Falcon, beaten and interrogated. He was questioned on the whereabouts of his father, who is a former soccer player.

ARBITRARY ARRESTS

The practice of arbitrary arrest is so common that it is difficult to document every case. Often police will enter a bar where it is known that many students pass their time, or a meeting place for workers and arrest everyone on the premises. Usually those arrested are released the next morning. However, the arrest remains on their files.

Political activists are also often arrested as they are distributing flyers or putting up posters around the city. Before the Communist Party's public act on September 3, for instance, over 150 militants were arrested in publicizing the event. According to the head of the party, fingerprints would be taken, along with their names and addresses, and then they would be released.

High school and university students are often arrested if they are caught distributing political information. On October 1, for instance, two students, who had received permission from the head of their department to publicize the "March for Life", were arrested while handing out flyers.

TORTURE

As is well known, the practice of torture of detained persons, not only for political reasons, is virtually an institution in Argentine. On September 10, Interior Minister Llamil Reston suddenly issued a declaration asking all provincial governors to take immediate measures "to avoid not only the possibility of torture, but the mistreatment of prisoners in provincial jails."

Exactly what the impact of such a statement will be is difficult to tell. Torture surely continues, but there has been some effort on the part of the criminal justice system to control it.

-- On September 30, an investigation was initiated into a case of police mistreatment of a seventeen year old boy, Osvaldo David Gutiérrez. The boy's parents have charged that the police obtained his confession under torture. The police station under investigation requested that the court proceedings be recorded for their use.

-- On October 6, Julio César Alvarez was released from prison after serving four years for homicide. The Court of Appeals of La Plata declared that there was insufficient evidence as the prisoner's confession was obtained under torture.

-- In the last week of October, an investigation was widened into the alleged torture of five youths between the ages of fourteen and seventeen by five members of the police in Mar de Plata. In the process of looking into charges brought against these policemen, several other individuals came forward to testify that they too had been tortured with electric shock by the same persons. It was the decision of the judge, Pedro Hooft, to not only process those responsible, but to continue investigating these other cases.

FREEDOM OF EXPRESSION

In contrast to the months immediately following the Malvinas crisis, recent weeks have been marked by an increased censorship and intimidation of members of the press. The government initiative commenced on September 24, with the issuance of censorship guidelines for all state-owned radio and television stations. At present it seems to be in full swing with the recent closure of three magazines.

On September 24, a statement was issued to all state-owned information media which includes most of the radio and all of the television stations, that prohibited mention of a series of subjects on the air. Originally, the notices were received by station directors in unmarked envelopes, sometimes followed by an anonymous telephone call reminding the director that he was personally responsible for implementing the censorship. Several days later, the Federal Broadcasting Committee (COMFER), admitted having issued the notices, which read as follows:

"By the expressed disposition of the Executive Power, it is prohibited to mention subjects having to do with subversion, cases of disappeared persons, groups of delinquent subversives and their activities. Mothers of the Plaza de Mayo, and everything having to do with subversion... Neither may subjects relating to the development of judicial processes concerning the same theme be mentioned, nor may newspaper commentaries on the same theme be mentioned. The director of each information media is responsible for fulfilling his responsibilities, which may not be delegated to a second or third person."

It was also reported in the newspapers that it had been verbally communicated to the directors that the subject of the Italian organization, Propaganda Two, was barred from mention, although COMFER later denied this.

On October 23, the military junta issued another decree in which it warned that it would take all measures necessary and within its powers to prevent the continuation of "the destabilization campaign" among certain members of the communication media. On October 29, apparently the first of those measures was taken, when police shut down the magazine La Semana of Editorial Perfil. At the time of the original communiqué, it was reported that Commander in Chief of the Army, Cristino Nicolaides, was annoyed by recent issues of the magazines Humor and Linea, as well as the newspaper La Voz.

In a statement signed by President Bignone, the powers granted to the Executive Branch under Article 23 of the Constitution were evoked as grounds for closing La Semana, which, according to the statement, was endangering "the possibility of a national consensus" and was oriented towards "sabotaging the confidence (of the public) in the essential institutions of the Republic."

On the same day as the shut down, television journalist, Gerardo Sofovich, opened a suit against the magazine for having portrayed him on the front page of its most recent issue sticking out his tongue and wearing a military cap. He accused La Semana of besmirching the image of the Argentine military uniform.

The head of the Argentine newspaper owners association (ABEPA), Luis Etchevehere, condemned the closure of the magazine and declared that it was the justice system's responsibility to determine the legality of the publication, not that of the political authorities who "do not give more than vague reasons based on the State of Siege."

On November 2, two other magazines were shut down -- Quorum, and Linea -- in two decrees, numbers 1011, and 1111. Quorum is a weekly magazine recently founded, and its first seven issues were devoted exclusively to the activities of the Propaganda-Two in Argentina. Linea is a Peronist magazine, pertaining to the "Nationalista" sector of the movement, which comes out monthly. As of the 3rd of November, the response on the part of civilian sectors to the shut-down of these magazines has been very little.

Intimidation

The intimidatory stance taken by the government is not limited to official statements signed by the President. There is another, perhaps more worrisome, trend afoot and that is intimidation and violence by unknown individuals against some members of the press. Certain publications tend to be subjected to these attacks more often, although members of a wide range of information media, including television journalists, have been threatened in the course of the last two months.

-- On August 25, Magdalena Ruiz Guiñazú, perhaps the most well-known and most outspoken radio journalist, was subject to a series of threats which persisted for several days. She was telephoned and threatened at night, and followed constantly by four men in a car. In one instance, the men questioned her superintendent about her activities, identifying themselves as members of the security forces.

-- During the month of September, five other journalists reported receiving telephone threats. They were Carlos Mallard of Radio Mitre, Julio Petrarca of Editorial Perfil, José Palozzi of Quorum, and two reporters of the new newspaper, La Voz, who said they were warned they would be killed if they did not stop investigating the Propaganda Two.

-- On October 7, television journalist, Raúl Urtizberea, reported having received threats over the course of the four previous days.

-- On October 8 and on October 3, the entrance doors of the San Isidro newspaper, Prensa Chica were smashed in. According to the owner, César Espigares Moreno, the paper had recently been critical of the military government. He also pointed out that the offices of the paper are only one block away from the San Isidro City Hall where there is constant police vigilance.

-- On October 10, José Pallozzi, owner of Quorum, a magazine devoted almost exclusively to investigating the Propaganda-Two in Argentina, was again threatened. He was told that Marcelo Dupont's death was a warning and that he should get out of the country within forty eight hours.

-- On October 17, Pedro Edgardo Siberkastern, correspondent for El Nacional of Venezuela was threatened and forced to leave the country. An Argentine national, the journalist had returned for two weeks and was considering moving back when he received a call warning him "don't even think of bringing your family back. If you don't get out of the country, the same thing will happen to you that happened to Dupont."

-- On October 17, it was reported that Carlos Ibáñez of Editorial Abril was threatened by anonymous callers, and sent a card with the Propaganda-Two stamp. However, it was also reported that he was not in the country, and was only told of the threats.

-- On October 18, La Voz reported that one of their workers had been threatened by three men in an un-licensed Ford Falcon who were armed and told him he'd be killed if he didn't stop working for "that Peronist newspaper."

-- On October 21, La Voz again reported one of its writers, Jorge Manzur, was threatened. He was told he "would be finished off if he continued to insist on pursuing the question of the disappeared."

-- On October 27, the director of the monthly, Búsqueda, Horacio Salduna, was arrested on orders from Commander of the Navy, Admiral Rubén Franco. A low level official of the Navy until the overthrow of the constitutional government of Frondizi in 1963, Salduna published two articles that reportedly angered Franco -- one on the Navy uprising in the south of the country in September, and the other on the history of military coups in Argentina. He was sentenced to ten days arrest.

The concerns of the Argentine press association, ADEPA, at this time seem to be the following, as expressed by the president of the association on October 7.

- 1) The continuing problem of the National Security Law,
- 2) Discrimination of the state-owned news print company, which sells print to La Razon, Clarín, and La Nación (he asserts "a newspaper to be independent can not be in business with the state"),
- 3) Discrimination of the new broadcasting law which calls for a "competition" in the privatization of the state-owned media, but bars newspaper and magazine owners from participating in that competition.

HARASSMENT OF HUMAN RIGHTS GROUPS

During the month of September, human rights activists, in particular, members of the Mothers of the Plaza de Mayo and CELS, were subjects of a series of intimidatory actions, including wall poster smear campaigns and threatening telephone calls.

The wall poster smear campaign began on August 24 with the vice-president of the Mothers of the Plaza de Mayo, Maria A. Gard de Antokoletz. According to the superintendent of her building, fifteen to twenty men dressed in civilian clothes forced their way into the apartment building and posted signs throughout the hallways accusing Antokoletz of being a "mother of terrorists," being "anti-Argentina ... desiring the failure of a peaceful national policy, and delighting in the suffering of Argentine families." The men told the superintendent they were from the Federal Police.

On the following night, four other members of the Directive Commission of the Mothers received the same treatment. All of them discovered signs posted inside their buildings and on the street outside identical to the one reprinted here, but with the names and addresses changed.

Also on August 25, a fifth Mother received a telephone call warning her that if she did not stop her political activities she would have her apartment blown up. Several members of CELS were also called and threatened.

CELS lawyers filed a complaint on the days following both incidents, and demanded the judge order the appropriate protection. A telegram was also sent to the Minister of the Interior, who had refused to receive the group.

On September 3, another member of the Mothers of the Plaza de Mayo had the front of her apartment building painted in fluorescent red with the words "This is the home of terrorists." On the same night, Padre Antonio Puigjané, of Nueva Pompeya, who often accompanies the Mothers of the Plaza de Mayo on their Thursday protests, found the front of his church plastered with signs accusing him of being "a fake" and "fomenting hatred" in his collaboration with the Mothers.

On September 20, three members of CELS, Emilio Mignone, Augusto Conte MacDonell and Alicia Oliveira had large signs painted on the outsides of their buildings. Each one had their names and address painted at the top, and below appeared stamped in large letters "Advice on Terrorist Problems."

**"SI NO DENUNCIAMOS LA INJUSTICIA Y SOLO CLAMAMOS
POR LA PAZ SOMOS CÓMPlices DE LA GUERRA"**

ACUSAMOS A:

MARIA A. GARD de ANTOKOLETZ
VICEPRESIDENTA DE LAS "MADRES DE TERRORISTAS"
QUE VIVE EN ORQ 2366 PISO 10 "F"

POR ANTIARGENTINAS:

**PORQUE DESEAN EL FRACASO DE TODA POLITICA DE PACI-
FICACION NACIONAL, "DELEITANDOSE" CON EL SUFRI-
MIENTO DE LAS FAMILIAS ARGENTINAS, ALIMENTANDO
SU EGOTISMO Y DESCARGANDO SU RESENTIMIENTO**

POR ANTIPATRIA:

**PORQUE SE IDENTIFICAN Y RECIBEN APOYO DE ORGA-
NIZACIONES INTERNACIONALES QUE QUIEREN SOMETER
Y AVASALLAR NUESTRA SOBERANIA**

POR RESENTIMIENTO:

**POR NO HABER CUMPLIDO EN SU MOMENTO SU ROL DE MADRES
PERMITIENDO QUE SUS HIJOS BUSCARAN DESTRUIR LA NACION.
RESPONSABILIZAN AHORA A LA SOCIEDAD QUE LOS EXPULSO
DE SU SENDO Y NO TIENEN VERGÜENZA EN VIAJAR POR TODO EL
MUNDO CON LUGUERO DE LAS ORGANIZACIONES TERRORISTAS
(MONTONEROS-ERP) FOMENTANDO EL ODIO HACIA NUESTRO PAIS**

Prohibition of Meetings

In addition to this semi-clandestine intimidation, the government has prohibited a series of events planned by human rights groups.

- On October 4, a public meeting organized by the Relatives of Disappeared and Detained Persons called "Poems and Songs for the Reencounter" was prohibited. Hundreds of people arrived at the auditorium where the event was to be held, but police had closed the building and prevented the public from gathering.
- On October 5, a "March for Life", organized by the eight human rights groups and endorsed by over a hundred political, church and labor leaders, as well as prominent individuals, was prohibited by the government. A statement was issued on the previous day, accusing the organizers of "opening the wounds caused by the terrorist war." It said that it "is the responsibility of the government to avoid situations in which the body of the society will be harmed," and characterized such marches as "another exteriorization of the regrettable events which took place during the terrorist war." The announcement, which listed the names of all the sponsors (except the Mothers of the Plaza de Mayo, who were called the "Mothers of Delinquent Terrorists") was broadcasted by radio and television. Despite the government ban, some 10,000 persons marched through the streets demanding that "the disappeared reappear with life." Although police prevented marchers from entering the Plaza de Mayo, there were no incidents of violence and the protest was considered a success.
- On October 6, a public round-table discussion, organized by CELS, was prohibited. The meeting, entitled "The Auto-Amnesty" was to take place in a hotel, but police prevented the group from entering. Participants marched through the streets to the offices of CELS where the meeting was held, despite the government prohibition.
- On October 15, a round-table discussion on "Freedom of Expression" organized by the Permanent Assembly for Human Rights was prohibited. Also scheduled to take place in a hotel, participants conducted the meeting despite the ban in the offices of the Assembly.

NEGOTIATIONS AND MILITARY CONTROL OF "INSTITUTIONALIZATION"

Discussion of the future role of the military in the management of the country has become a key point of tension in the current political struggle. According to the military vicar, Monseñor José Miguel Medina, "The Armed Forces should participate in the management of the country. It is not possible to put them aside." Retired General Antonio Domingo Bussi asserts "The Armed Forces are a permanent reality... In addition, given the circumstances even more than a reality, they are the principal protagonists. They should not only be present, they should be the principal convoker.

Through a series of proposals, the military government has made clear that its conception of "institutionalization" as the "final stage of the Process of National Reorganization" means, first and foremost, control of the process of redemocratization and control of the future. These proposals include a "concertación" or a deal with the political parties, an amnesty for the military for crimes committed during the "war against subversion", and more tentatively, control of faculty hiring at the national universities, maintenance of the current federal judges, and transfer of state-owned media to a "selective" private sector.

Each of these issues has encountered strong resistance among civilian sectors. However, the trump card - elections and the return to democracy - is in the hands of the military. The President continues to maintain the State of Siege, an election date has yet to be set, coup rumors abound and official spokesmen allude to a conditioning of the return to democracy on promises that there will be no investigations into activities of the government of "National Reorgan-

ization". The delicacy of the situation places considerable pressure on the political parties, and the common response, as expressed by one newspaper editorial, is that "half a loaf of bread is better than none."

"Concertación"

On October 21, President Reynaldo Bignone set forth five points which the government considers essential subjects of negotiations with the political parties. They were 1) the Malvinas crisis, 2) the war against subversion, 3) the economic question, 4) the foreign debt, and 5) the Beagle Channel.

Virtually all of the major parties have rejected the concept of a "concertación", or a negotiated agreement, as it was presented by the government. Their fear is, of course, not only that popular opinion would not permit it, but that their future flexibility would be restricted.

At this point, the idea of a "concertación" is still in its initial stage. The government remains vague on the actual terms of the agreement they are seeking, and the political parties have yet to reorganize and accommodate their internal divisions. In addition, as a block, the "Multipartidaria" has been, thus far, relatively ineffective in its attempt to coordinate the dialogue between the political parties and the military.

Nevertheless, both as a subject in and of itself, and as an umbrella term for all of the issues considered essential negotiating material by the military, the "concertación", in one form or another, looms large on the horizon.

Auto-Amnesty

One of the issues which has not been explicitly mentioned in the context of the "concertación", but will surely form a part, is that of an amnesty for the military. In the first weeks of September, the press received word that an amnesty law was under consideration by the military that would presumably benefit both sides -- that is, both political prisoners and those responsible for what the military calls "excesses in the war against subversion."

The discussed law, however, upon closer examination would seem to only benefit a handful of prisoners and would prevent investigation and punishment of those responsible for the torture, murder and illegal detention of thousands of citizens. It proposed releasing those PEN prisoners who were under 21 when arrested, and those who were sentenced by military tribunals or courts to under five years imprisonment. Prisoners in Rawson who recently voted they would oppose the amnesty, estimated that only nine or ten prisoners would be benefited.

In a round-table discussion of the amnesty law held at CELS, Bishop Jaime de Nevares of Neuquén commented on the August 15 document of the Argentine Episcopal Conference which referred to a "pardon" for those responsible for crimes in the war against subversion. He said:

"Those who can pardon are the offended, that is, each person and family who have suffered most intimately the violation of their rights. No one can replace them, not even the Episcopal... It can not be that those who have committed crimes against humanity are amnestied, and worse, self-amnestied. It can not be, because the Republic will not be reborn morally healthy and institutionally strong if there is not a sanction. To forget would mean adding one more crime."

"Concursos"

In an attempt to legitimize the current faculty of the national universities, the military authorities have initiated "concursos", or a competition for faculty positions at a variety of levels. Since the military coup in 1976, when hundreds of professors were fired from the university, there has been no formal recognition of faculty positions: except for in 1977, when a list of names was issued of faculty with tenure, hiring has been done on a year to year basis with no guarantees of job security.

The commencement of these "concursos" has sparked considerable protest, as appointments would last seven years and effectively exclude most of those who do not support the current government. The university law, decreed early this year, actually states that preference will be given to those teachers already within the universities, and that those in opposition to the government will be excluded.

A group of fifty two prominent intellectuals, all of whom have been excluded from the national university in Buenos Aires, issued a lengthy statement in which they condemn the holding of "concursos" at this point in time. They say that this is an "attempt to create a facade of normalcy over a base of arbitrariness, of persecution and of corruption." The statement also denounces the fact that the competition is occurring under a state of siege, when teachers have been barred from the university, when they have disappeared, been imprisoned and been forced into exile, when whole departments have been shut down or severely diminished and when the right to form professional associations is denied.

Immobility of Judges and Privatization of Media

There are two other areas in which the military is seeking to maintain a certain amount of control following a return to civilian rule. The first concerns the justice system, where there is an effort to insure the immobility of the current Federal Judges. The second involves the state-owned information media, and the rapid privatization of these businesses before a new government assumes power.

For the Federal Judges and the Justice Minister, the subject of the independence of the Judicial Branch has become one of great worry in the last months. Many of the political leaders have declared that, just as the Federal Judges were replaced following the military coup in 1976, so too would all of the current Federal Judges, who have become so closely identified with the "process", have to be replaced. Investigations of disappearances, of corruption, and perhaps even the Malvinas war, would never occur under the current judges, according to many people, and so their removal is demanded.

Justice Minister Jaime Lucas Lennon, however, has several times in the last weeks asserted that "'Institutionalization' does not in any way signify a break in the Judicial Branch." And in a series of instances, the President has also indicated that he has great faith in the justice system, which he says will thoroughly investigate such cases as the disappearances of Dupont, Holmberg and Solá. As such, the issue will surely comprise part of the civilian/military negotiations on terms of the return to civilian rule.

In the case of the privatization of the state-owned radio and television stations, the military government has declared that, based on the "Ley de Radiodifusión" of 1980, there will be a competition for ownership of these businesses. The decision to sell the information media now, clearly reflects the military's desire to avoid providing the next civilian government with such a propaganda device. The fact that there will be a competition, in addition, implies that those selecting have a certain set of criteria for whom they would like to see as the next owners. One group that has already been excluded by law, and has protested furiously, includes all those persons and organizations either legally or economically connected to the printed information media.

"MEMORIA Y JUICIO"

A series of six booklets recently published by CELS and the Neuquén Commission of Relatives of Disappeared and Detained Persons, on various aspects of the repression in Argentina since the military coup of 1976 is being distributed around the country. During the first week of October copies were sent to over 500 individuals and groups within the country, including all of the Federal Judges, professional associations, church, labor and political leaders. It is expected that the series will be sold in newstands and bookstores beginning in November.

The set includes five booklets published by CELS, entitled "Adolescentes detenidos-desaparecidos," "Niños desaparecidos," "Conscriptos detenidos-desaparecidos," "El secuestro como método de detención," and "Muertos por la represión." The sixth booklet, published by the Relatives in Neuquén, is called "La familia víctima de la represión." All are approximately twenty pages long, and together comprise the first source of information on the repression of the last six years to be disseminated within the country.

Copies of these booklets, which as a series are entitled "Memoria y Juicio", may be obtained through CELS at a cost of five U.S. dollars to cover mailing expenses.
